

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VIRNETX, INC. AND	§	
SCIENCE APPLICATIONS	§	
INTERNATIONAL CORPORATION,	§	
	§	Civil Action No. 6:12-cv-855-RWS
	§	LEAD CONSOLIDATED CASE
Plaintiffs,	§	
	§	
	§	
v.	§	
	§	
	§	
APPLE INC.	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	
	§	

DEFENDANT APPLE INC.'S TRIAL WITNESS LIST

Pursuant to the Court's Discovery Order and Docket Control Order entered in this action, Defendant Apple Inc. ("Apple") hereby respectfully submits its Trial Witness List for identification and categorization of trial witnesses. Apple includes in this trial witness list individuals who may be listed on Plaintiffs' opening and rebuttal witness lists without waiving any right to object to Plaintiffs' presentation of such witnesses at trial, without waiving any objections to the admissibility of any such testimony, and without waiving the right to move for the exclusion of any testimony. Apple's trial witness list relates to the current action (6:12-cv-855-RWS / 6:11-cv-563-RWS) only. Apple expressly reserves the right to modify, supplement, or amend this trial witness list in response to Plaintiffs' witnesses lists, in response to any consolidation for trial of this matter with *VirnetX v. Apple*, No. 10-cv-417-RWS, or any other circumstances that may occur between now and the conclusion of trial, to the extent permitted by the Federal Rules of Civil Procedure, by the Local Rules, or by other Order of this Court.

At this time, Apple identifies the following witnesses for trial:¹

¹ To the extent a witness is not available to offer live testimony, Apple may present deposition testimony for each such respective witness irrespective of whether the witness is designated as may call by deposition.

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
W. Christopher Bakewell Employer: Duff & Phelps Topic: Damages	X		
Matthew Blaze Employer: University of Pennsylvania Topic: Invalidity; Non-Infringement; Patents-in-Suit; Technology-in-Suit; Accused Products	X		
James Carmichael Employer: Miles & Stockbridge P.C. Topic: Inequitable Conduct; PTO Practice and Procedure	X		
E. Deborah Jay Employer: Field Research Corporation Topic: Damages	X		
Daniel McFadden Employer: University of California, Berkeley; University of Southern California; The Brattle Group Topic: Damages	X		
Lee Van Pelt Employer: Van Pelt, Yi & James LLP Topic: Non-infringement opinions of counsel	X		

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Darin Adler Employer: Apple Inc. Topic: Accused Products		X	
Frank Casanova Employer: Apple Inc. Topic: Accused Products		X	
Donald Foley Employer: Leidos, Inc.; Martingale Consulting Topic: SAIC/Leidos; VirnetX; Patents-in-Suit; Technology-in-Suit		X	
Patrick Gates Employer: Apple Inc. Topic: Accused Products		X	
Sandy Ginoza Employer: Association Management Solutions, LLC Topic: Prior Art		X	
Chris Hopen Employer: Switch Inc. Topic: Prior Art		X	
Thomas Jansen Employer: Apple Inc. Topic: Accused Products		X	

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Toby Kusmer Employer: McDermott Will & Emery LLP Topic: Inequitable Conduct; Patent Prosecution		X	
Kendall Larsen Employer: VirnetX, Inc. Topic: VirnetX; Licensing; Patents-in-Suit; Technology-in-Suit		X	
Victor Larson Employer: VirnetX, Inc. Topic: VirnetX; Patents-in-Suit; Technology-in-Suit		X	
Sameer Mathur Employer: VirnetX, Inc. Topic: VirnetX; Licensing; Patents-in-Suit; Technology-in-Suit		X	
Edmund Colby Munger Employer: Retired Topic: VirnetX; Patents-in-Suit; Technology-in-Suit		X	
Simon Patience Employer: Retired Topic: Accused Products		X	

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Henning Schulzrinne Employer: Columbia University Topic: Prior Art		X	
Robert Short Employer: VirnetX, Inc. Topic: VirnetX; Patents-in-Suit; Technology-in-Suit		X	
John Stauffer Employer: Apple Inc. Topic: Accused Products		X	
Gokul Thirumalai Employer: Apple Inc. Topic: Accused Products		X	
Michael Williamson Employer: VirnetX, Inc. Topic: VirnetX; Patents-in-Suit; Technology-in-Suit		X	
Robert Wolven Employer: Columbia University Topic: Prior Art		X	
Jamie Wood Employer: Apple Inc. Topic: Accused Products		X	

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Justin Wood Employer: Apple Inc. Topic: Accused Products		X	
Andy Yang Employer: Apple Inc. Topic: Accused Products		X	
Joe Abuan Employer: Apple Inc. Topic: Accused Products			X
Chris Becherer Employer: Rdio Topic: Accused Products			X
William Becker Employer: SafeNet, Inc. Topic: Licensing; Communications with VirnetX			X
Darryl Bleau Employer: Apple Inc. Topic: Accused Products			X
George Bonanto Employer: Google Inc. Topic: Communications with VirnetX			X

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Mark Buckley Employer: Apple Inc. Topic: Finance			X
Adam Bulakowski Employer: ipCapital Group Topic: Services provided to VirnetX			X
Jeremy Butcher Employer: Apple Inc. Topic: Accused Products			X
Deidre Caldbeck Employer: Apple Inc. Topic: Accused Products			X
John Glancy Employer: Unknown Topic: SAIC/Leidos; Technology-in-Suit			X
Jurgen Gobien Employer: Leidos, Inc. Topic: SAIC/Leidos; VirnetX; Technology-in-Suit			X
Edward Hendrick Employer: Unknown Topic: SAIC/Leidos; Technology-in-Suit			X

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Michael Lachuk Employer: Leidos, Inc. Topic: SAIC/Leidos; VirnetX; Patents-in-Suit; Technology-in-Suit			X
Luke McLeroy Employer: Ericsson Topic: Inequitable Conduct; Patent Prosecution			X
Robert Moline Employer: PricewaterhouseCoopers LLP Topic: Finance			X
Kevin Raidy Employer: Cowen & Co. Topic: Services provided to VirnetX			X
Art Rangel Employer: Apple Inc. Topic: Accused Products			X
Hasan Rashid Employer: McDermott Will & Emery LLP Topic: Inequitable Conduct; Patent Prosecution			X

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Jeffrey Risher Employer: Apple Inc. Topic: Licensing			X
Ronak Shah Employer: Apple Inc. Topic: Accused Products			X
Erik Strahm Employer: Apple Inc. Topic: Accused Products			X
Giovanni Tobia Employer: Aastra Technologies Ltd.; Aastra U.S.A. Topic: Licensing; Communications with VirnetX			X
Andrew Vyrros Employer: Unknown Topic: Accused Products			X
Jon Weaklend Employer: VirnetX, Inc. Topic: Finance			X
Kevin Wells Employer: Unknown Topic: Accused Products			X

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
Barry Whitebook Employer: Apple Inc. Topic: Accused Products			X
Gregory Wood Employer: VirnetX, Inc. Topic: VirnetX Business Operations			X

Apple reserves the right to call any witness appearing on any opening or rebuttal trial witness lists of Plaintiffs VirnetX, Inc., SAIC and/or Leidos, Inc.

Dated: March 13, 2015

Respectfully submitted,

/s/ Joseph A. Loy

Gregory S. Arovas
greg.arovas@kirkland.com
Robert A. Appleby
robert.appleby@kirkland.com
Jeanne M. Heffernan
jeanne.heffernan@kirkland.com
Joseph A. Loy
joseph.loy@kirkland.com
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Danny L. Williams
State Bar No. 21518050
E-mail: danny@wmalaw.com
Drew Kim
State Bar No. 24007482
E-mail: dkim@wmalaw.com
WILLIAMS MORGAN P.C.
10333 Richmond, Suite 1100
Houston, Texas 77042
Telephone: (713) 934-7000
Facsimile: (713) 934-7011

Michael E. Jones, **Lead Attorney**
Texas Bar No. 10969400
mikejones@potterminton.com
Allen F. Gardner
Texas Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College Avenue, Suite 500
Tyler, Texas 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846

ATTORNEYS FOR APPLE INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 13, 2015.

/s/ Wendy K. Adams
Wendy K. Adams